THE MOTOR VEHICLES (BOMBAY AMENDMENT) ACT, 1947.

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BOMBAY ACT No. VII OF 1947.[1]

[THE MOTOR VEHICLES (BOMBAY AMENDMENT) ACT, 1947.]

[*23rd March 1947*]

Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 21 of 1954.

An Act to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay.

IV of 1939. WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title

1. This Act may be called the Motor Vehicles (Bombay Amendment) Act, 1947.

Amendment of section 42 of Act IV of 1939.

IV of 1939. **2.** In section 42 of the Motor Vehicles Act, 1939 (hereinafter called the said Act), for clause (*a*) of sub-section (*3*), the following shall be substituted, namely:—

"(*a*) to any transport vehicle owned by or on behalf of the Central Government or a [2][State] Government other than a vehicle used for a commercial purpose or for the purposes of a commercial department;"

Amendment of section 43 of Act IV of 1939.

3. To sub-section (*1*) of section 43 of the said Act the following shall be added, namely:—

"; or

(*iii*) notwithstanding anything contained in section 58 or section 60 cancel any permit granted under the Act in respect of a transport vehicle or class of such permits either generally or in any area specified in the notification:

Provided that no such notification shall be issued before the expiry of a period of three months from the date of a notification declaring its intention to do so:

Provided further that when any such permit has been cancelled the permit holder shall be entitled to such compensation as may be provided in the rules; or

(*iv*) declare that it will engage in the business of road transport service either generally or in any area specified in the notification."

Amendment of section 44 of Act IV of 1939.

4. In sub-section (*2*) of section 44 of the said Act, the following provisos shall be added, namely:—

"Provided that if the [2][State] Government so thinks fit the Provincial Transport Authority or a Regional Transport Authority may consist of a single official:

Provided further that nothing in this sub-section shall apply to an official merely by reason of the fact that the [2][State] Government employing him has any financial interest in a transport undertaking."

Insertion of new section 44A in Act IV of 1939.

5. After section 44 of the said Act, the following new section shall be inserted, namely:—

Transport Officers to exercise notified powers.

"**44A.** Notwithstanding anything contained in this Act, the [2][State] Government may by notification in the *Official Gazette* authorise the Provincial Transport Officer or a Regional Transport Officer to exercise and discharge in lieu of any other authority prescribed by or under this Act such powers and functions as may from time to time be specified in the notification."

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1947, Pt. V, page 97; for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1947, Vol. X; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1947, Vol. XII.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Amendment of section 45 of Act IV of 1939.

6. To section 45 of the said Act, the following proviso shall be added, namely :—

"Provided that the [1][State] Government may by notification in the *Official Gazette* direct that applications for such class of permits in such region as may be specified in the notification shall be made to the Provincial Transport Authority."

Amendment of section 47 of Act IV of 1939.

7. In section 47 of the said Act, in sub-sections (*1*) and (*2*) after the words "Regional Transport Authority" the words "or the Provincial Transport Authority" shall be inserted.

Amendment of sections 48, 54, 55, 56, 57, 58 and 64 of Act IV of 1939.

8. In sections 48, 54 (*d*) 55, 56, sub-sections (*2*), (*3*), (*4*), (*5*) and (*7*) of section 57 and sections 58 (*1*) and [2][64(*g*)] of the said Act, after the words "Regional Transport Authority" wherever they occur the words "or the Provincial Transport Authority" shall be inserted.

Insertion of new section 48A in Act IV of 1939.

9. After section 48 of the said Act, the following new section shall be inserted, namely :—

Issue of stage carriage permit to Government or local authorities.

"48A. Notwithstanding anything contained in sections 47 and 48, a Regional Transport Authority or the Provincial Transport Authority shall issue the stage carriage permit applied for by or on behalf of the [1][State] Government or a local authority with the concurrence of the [1][State] Government."

Amendment of section 58 of Act IV of 1939.

10. To section 58 of the said Act the following shall be added, namely.—

"(*3*) Notwithstanding anything contained in sub-section (*1*) above, the [1][State] Government may order a Regional Transport Authority or the Provincial Transport Authority to limit the period for which any permit or class of permits is issued to any period less than the minimum prescribed in the Act."

Insertion of new section 58A in Act IV of 1939.

11. After section 58 of the said Act, the following section shall be inserted, namely :—

Grant of permit to local authority.

"58A. Notwithstanding anything hereinbefore contained, the [1][State] Government may by order direct any Regional Transport Authority or the Provincial Transport Authority to grant a stage carriage permit to the [1][State] Government or any local authority specified in the order."

Amendment of section 62 of Act IV of 1939.

12. In section 62 of the said Act,—

(*i*) after the words "Regional Transport Authority" the words "or the Provincial Transport Authority" shall be inserted;

(*ii*) after clause (*c*) the following shall be inserted, namely :—

"

, or

(*d*) pending decision on an application for the grant or renewal of a permit,"

Amendment of section 68 of Act IV of 1939

13. After clause (*h*) of sub-section (*2*) of section 68 of the said Act, the following new clause shall be inserted, namely:—

"(*hh*) the compensation to be paid to a permit holder for cancellation of a permit in respect of a transport vehicle"

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] This was substituted for the figures, brackets and letter "64 (*a*)" by Bom. 21 of 1954, s. 3, Second Schedule.